REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

In the current Office Action, the Examiner has rejected claims 1, 2, 4, 5, 13, 14 and 16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,490,408 to Um et al. in view of U.S. Patent 6,438,235 to Sims, III. The Examiner has further rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Um et al. in view of Sims, III, and further in view of U.S. Patent 6,792,295 to Hanevich et al. In addition, the Examiner has rejected claims 6-12 and 17-20 under 35 U.S.C. 103(a) as being unpatentable over Um et al. in view of Sims, III, and further in view of U.S. Patent Application Publication No. 2003/0224759 to Burnett.

The Um et al. patent discloses an apparatus and method for determining ID information recorded on an information-stored medium, and is directed to a video title rental system with a reproducing apparatus requiring remote playback permission to playback data from an information-stored medium (see, Col. 2, lines 20-22). The system includes the "information-stored medium on which data are contained together with an ID code; a player which reproduces the data on the information-stored medium; and an external device which communicates with a remote central server for playback permission and processes the data that are read out from the information-stored medium after playback permission." (See, Col. 2, lines 29-35.) In operation, the player determines if the

information-stored medium is of a type that requires external permission for playback of the data on the information-stored medium (see, Col. 3, lines 60-64). Once the player determines that the information-stored medium requires external permission, the player notifies the external device and the external device sends a signal back to the player to read out an ID contained on the information-stored medium (see, Col. 4, line 63 through Col. 4, line 2). The ID is transmitted to the external device which requests permission for playback by forwarding the ID to an external server (see, Col. 5, lines 36-42 and Col. 12, line 8-11). When an acknowledgement signal is received back to the player from the remote server through the external device, the playback device plays back the data on the information-stored medium (see, Col. 5, lines 46-51 and Col. 12-15).

The Examiner has indicated "Um did not disclose the application configured to play back content form the medium based upon control commands including advertising that is received from a server via the remote network", but that this is well known in the art "as taught by Sims" and notes col. 1, line 64 to col. 2, line 14.

Applicants believe that the Examiner is mistaken. In particular, Sims, III, at col. 1, line 64 to col. 2, line 14, states:

> "Accordingly, for the system to provide protection to the content, the media decryption key stored on the media is read by a media reader, i.e., DVD disk drive, only in proper circumstances, i.e., an authorized play-back device requests the media content key according to

> a preestablished protocol, and thereafter, provided in encrypted form for communication to the play-back device. In this scheme, the media content key is passed after a key exchange is done such that when the key is handed from the media reader to the play-back device it is done encrypted. I.e., the play-back device would send its encryption key to the media reader, the media reader would read the media content key from the media, encrypt the media content key with the play-back device's encryption key, and pass this encrypted version of the media content key to the play-back device where it may be decrypted with the play-back device's (secretly held) decryption key for use of the media content key in accessing media content as provided by the media reader."

Applicants submit that it should be clear from the above that Sims, III teaches the exchanging of encryption keys between a a play-back device and a media reader which reads a media content key from the media. However, there is no disclosure or suggestion of "an application for causing the controller to control playback of content from a medium when inserted in the media reader, the application causing the controller to access a service on the remote network via the interface in order to receive control commands, including advertising, from the services enabling the controller to control said playback means to play back the content on the medium" as specifically set forth in claim 1. In other words, the remote server simply provides an acknowledgement to enable playback of data stored on the information-stored medium.

The Hanevich et al. patent discloses a wireless device for use wit ha vehicle embedded phone. However, Applicants submit that Hanevich et al. fails to supply that which is missing from Um et al. and Sims, III, i.e., "an application for causing the controller to control playback of content from a medium when inserted in the

media reader, the application causing the controller to access a service on the remote network via the interface in order to receive control commands, including advertising, from the services enabling the controller to control said playback means to play back the content on the medium".

The Burnett publication discloses a content selection apparatus, system and method, in which the apparatus monitors the user's selection and stores the results in a storage module. However, Applicants submit that Burnett does not supply that which is missing from Um et al. and Sims, III, i.e., "an application for causing the controller to control playback of content from a medium when inserted in the media reader, the application causing the controller to access a service on the remote network via the interface in order to receive control commands, including advertising, from the services enabling the controller to control said playback means to play back the content on the medium".

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-20, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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